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**From:** Clayman, Shari  
**Sent:** Mon 9/14/2015 3:05:00 PM  
**Subject:** Solid Waste & Emergency Response Law News for September 14, 2015



## Solid Waste & Emergency

# Response Law News

## for September 14, 2015

### Bloomberg Daily Environment Report™ BNA

#### *Hazardous Waste*

##### [Hazmat Hauler's Intent Irrelevant for RCRA Fine](#)

A commercial hauler can't avoid compliance with Oregon's solid waste permit and manifest requirements by claiming ignorance of the hazardous nature of its cargo, the Oregon Court of Appeals ruled (Oil Re-Refining Co. v. Envtl. Quality...

#### *REACH*

##### [ECHA to Update Hazardous Substance Threshold Guidance](#)

The European Chemicals Agency (ECHA) confirmed Sept. 11 that it will update guidance for companies that sell in the European Union or import products that contain hazardous substances in the wake of an EU Court of Justice ruling on notification...

#### *Superfund*

##### [EPA Settles With Party at California Pulp Site](#)

The Environmental Protection Agency announced it has entered into a proposed agreement under the Comprehensive Environmental Response, Compensation and Liability Act with a pulp mill company in California, according to a notice scheduled...

*Superfund*

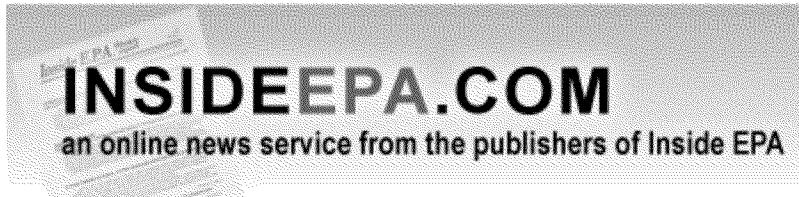
GAO: Number of Contaminated Federal Waste Sites Unknown

Four government agencies with responsibility to clean up federal hazardous waste sites don't have a complete inventory of how many sites are contaminated, especially for abandoned mines, a Government Accountability Office official...

*Superfund*

Wisconsin City, County Off Hook for CERCLA Cleanup

A Wisconsin City and county owe no cleanup costs for parts of a Superfund site formerly owned by the county and now owned and operated by the city, after the U.S. District Court for the Western District of Wisconsin found Sept. 11 they didn't...



Inside EPA's **Weekly Report**, 09/14/2015

<http://insideepa.com/newsletters/inside-epa>

**• Advocates Fear Status Of EPA Small Business Review Suggests RMP Delay**

Advocates are raising concerns EPA may miss an announced September deadline for proposing revisions to its Risk Management Plan (RMP) industrial facility accident prevention program, noting a review of the rule's potential costs to small businesses has yet to begin, although an industry source says the review could occur after revisions are proposed.

• EPA Urges Court To Block Release Of Confidential Utility ELG Documents

EPA is urging a federal district judge to reject environmentalists' Freedom of Information Act (FOIA) suit seeking materials from its development of a pending power plant effluent limitation guideline (ELG), arguing that it has already released all documents that contain no confidential information, and the remaining materials are exempt from release because they are confidential.

# Greenwire

## WATER POLLUTION:

### Mine owner accuses EPA of lying about Colo. spill

Manuel Quiñones, E&E reporter

Published: Friday, September 11, 2015

The owner of the Gold King mine site in Colorado is accusing U.S. EPA of telling "absolute baloney of the worst sort" about the causes of last month's polluted water spill.

Todd Hennis made his comments to ColoradoWatchdog.org, backed by the conservative Franklin Center for Government and Public Integrity following comments this week by EPA Assistant Administrator Mathy Stanislaus.

Stanislaus told lawmakers on the House Science, Space and Technology Committee that the spill resulted from "cave-ins and water buildup" (*Greenwire*, Sept. 11). EPA's contractor was studying ways of resolving pollution concerns at the site.

But Hennis said, "They blocked off the flow of water out of the drain pipes and they created the huge wall of water in the Gold King by their actions last year."

Hennis has been critical of EPA action before, including accusing the agency of forcing him to allow officials onto the mine site by threat of fines.

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"The photos clearly show the EPA backfilled the portal to block water from coming out, and they blocked the discharge pipes at the same time," he said.

The agency said after the spill that its plan was to "excavate the loose material that had collapsed into the cave entry back to the timbering."

A preliminary EPA report of the spill said the agency and its contractor underestimated the risk of a

blowout. They did not realize the water pressure magnitude behind the blockage (*E&ENews PM*, Aug. 26).

Laura Allen, EPA deputy press secretary, said today that the agency's review did not make a finding of what ultimately caused the release, a point she said Stanislaus made clear to lawmakers.

"As Mr. Stanislaus has said, we are awaiting the results of the independent investigation from the U.S. Department of the Interior and the EPA inspector general before determining the cause of the release," said Allen, noting that EPA is in touch with Hennis' attorneys.

EPA critics, including Republican lawmakers, have questioned the agency for its involvement at Gold King. But EPA defenders say the agency was responding to the ongoing polluted water leaking from the site (*Greenwire*, Sept. 9).

"Blaming the EPA for the Animas River mine waste disaster is like blaming the fire department for kicking down your door to put out your house fire. After you ignored the fire marshal's warnings. And cut the fire department's budget," mining watchdog group Earthworks said this week.

## BUSINESS:

### **Shell leaves British climate lobby over Arctic drilling**

Published: Friday, September 11, 2015

Royal Dutch Shell PLC has left an influential British lobbying group known for pushing the government to act on climate change.

The Prince of Wales' Corporate Leaders Group has helped lobby for legislation like the Climate Change Act, which commits the United Kingdom to reducing its carbon emissions by 80 percent by 2050.

The group -- sponsored by the Prince of Wales and including companies like Lloyds Banking Group PLC, Tesco PLC and Unilever PLC -- announced Shell's departure without giving a reason.

People close to the group have said that the oil company's policies, which include drilling in the Arctic, has been controversial among the group's members.

"When the group started 10 years ago, Shell seemed as keen as anyone on reducing emissions and tackling climate change," one person said. "But what with its activities in the [Canadian] tar sands and the Arctic, it's become clear that is no longer the case."

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Friends of the Earth CEO Craig Bennett, the former director of the group, said Shell's membership had made it difficult for the lobby to push more progressive legislation.

"We have been really disappointed by Shell down the years on this," he said. "The more progressive companies on the group need to be able to feel free to criticize the government when it does things like cutting renewable subsidies. It has got harder and harder to hold that grouping together with a company like Shell in there. Some of the companies would have found it difficult to keep them in there."

Asked why they left the group, Shell referred questions to the CLG. But the company also defended its environmental record, saying in a statement that, "Over [the past 10 years] both Shell and the CLG have worked to support the EU Emissions Trading System, which we believe should be the main driver of change in the EU Energy system.

"We are working with many constructive organizations ... in order both to raise the level of public understanding of the energy challenge and to ensure a lower carbon, higher energy future for the world" (Kiran Stacey, *Financial Times*, Sept. 11). -- AW

## OIL:

### ***E&E Daily's Northeby talks politics, momentum on export bill***

Published: Friday, September 11, 2015

Members of Congress returned to Washington this week with a clear focus on energy policy. How are efforts to lift the ban on crude oil exports shaping up in the House and Senate? On today's The Cutting Edge, *E&E Daily* reporter Hannah Northeby discusses this week's House vote and the political maneuvering happening on both sides of the Hill on exports.

[Click here](#) to watch E&ETV's The Cutting Edge.

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